

UNITED STATES OF AMERICA
DISTRICT COURT OF MASSACHUSETTS

FILED
U.S. DISTRICT COURT
DISTRICT OF MASS.

MON SEP 21 P 12:51

RICHARD W. DUGGAN

CASE NO. 04-11116-DPW
U.S. DISTRICT COURT
DISTRICT OF MASS.

v.

JOHN POTTER, POSTMASTER GENERAL, ET AL

**RESPONSE TO THE US ATTORNEY'S VERBAL REQUEST FOR TIME
EXTENSION**

On Friday, September 17, 2004 Mr. Chris Donato, representing himself as the US attorney assigned to this case, called and left a message on my answering machine. I returned his call on Monday September 20 th at approximately 9:30AM. He stated he was preparing a motion for the court, requesting a 30 (thirty) day extension for him to respond to the complaint, due to the agency's inability to provide administrative material.

The agency received the court summons and a copy of the complaint on July 21, 2004. The US attorney's office in Washington DC received theirs on July 28, 2004, and the US attorney in Boston received theirs on July 21, 2004. Copies of the papers and PS form 3811are enclosed.

I advised him I would agree to a 15 (fifteen) day extension, but that I did not agree to the fact that the agency was not able to provide a written response with any material they had in the files to him so that he could provide a written response to the court within the sixty (60) days required by the court. He stated he would be submitting the request for the thirty (30) days today. I have not received any written documentation advising me that Mr. Donato has been named as the US Attorney's representative for the Agency.

I do not support the request for the thirty (30) days extension. The agency should most certainly have been able to produce any documentation they hold in their files within a sufficient amount of time to the US attorney representing them in this case. This issue has been going on since last Nvember, and most recently in April I suffered a serious back injury caused by the agency's action. I do not think that this issue should be dragged out any longer than absolutely necessary. Should the court find that any extension is absolutely necessary, I request that the time be limited to a fifteen day extension as I suggested to the US attorney duyring this morning's telephone conversation.

On a personal matter, I will not be available to reply to any written communications, or telephonic discussions during the period of September 23 (PM) through October 3, 2004, as my wife and I are travelling to Europe to celebrate our 40th wedding anniversary.



Richard W. Duggan

September 20, 2004

Encl: copies of summons' and PF Form 3881 to court only